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June 9, 2006

Ms. Oranna Felter
P.O. Box 465
Fort Duchesne, UT 84026

Dear Ms. Felter:

Thank you for your letter about your views on the Ute Termination Act (UTA) and the matter of reinstating federal recognition for mixed-blood members of the Ute Indian Tribe. I appreciate the opportunity to respond.

The UTA, as passed in 1954, continues to generate controversy and criticism. However, a number of court cases regarding tribal identity and the UTA have resulted in the courts supporting the tribal member definitions as determined by the UTA and tribal constitutions. For example, a federal appeals court ruled the Ute Indian Tribe's Constitution definition of those who qualify as tribal members is constitutional. The case involved a mixed-blood Ute who was charged with shooting an elk on the Uintah and Ouray Reservation without a permit. The man claimed his Indian ancestry allowed him to hunt without a permit, but the court held that under the provisions of the Ute Indian Tribe's Constitution and the UTA, he did not qualify as a member of the Ute Indian Tribe.

To reinstate federal recognition of mixed-blood members of the Ute Indian Tribe, Congress would have to redefine who qualifies for full tribal membership. Because the Tribe currently establishes the criteria for membership, such action would encroach upon tribal sovereignty. In light of these factors, I am reluctant to support legislation that would reinstate federal recognition for mixed-blood members of the Ute Indian Tribe.

Again, thank you for writing.

Sincerely,

Robert F. Bennett
United States Senator

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